THE LATTER-DAY SAINTS

MILLENNIAL STAR.

"*Holiness unto the Lord.*"

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POLYGAMOUS MARRIAGES IN UTAH.

[House of Representatives, Washington, D.C., Saturday February 17.]

Mr. BLAIR, of Missouri. Mr. Speaker, the bill introduced by me upon the subject of polygamy in Utah is in the words following—

A bill to legalize polygamous marriages in the Territory of Utah, and to dismiss prosecutions in said Territory on account of such marriages.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all marriages heretofore solemnized in the Territory of Utah, under and in accordance with the rules and regulations of the Church of Christ of Latter-day Saints, and children born under such marriages, be, and the same are hereby legalized.

Sec. 2. That all prosecutions now pending in any of the courts of said Territory on account of such polygamous marriages be, and the same are hereby, dismissed: and the jurisdiction of said courts over such cases is hereby withdrawn; and it is hereby made the duty of such courts to dismiss all such prosecutions which have or which hereafter may be instituted, by indictment or otherwise, in their courts, respectively.

Sec. 3. That this act shall be in force from and after its passage.

The legalization of polygamous marriages in Utah, and the offspring of such marriages, as will be seen, is the object of the bill. The subject is not only a perplexing one to solve, in consonance with the laws of the land and the prejudices of our people, but it is one of vast importance, not only to the citizens of the United States, but to those whom it more directly affects. We must recognize the marriages among the Mormon people as legal and in harmony with the principles of republican government, validate them, or else leave that people to be prosecuted, fined and imprisoned in the penitentiary of Utah. Not until recently have they been brought face to face with the danger that surrounds them, and to see the doom that awaits them. All of them now see that the very foundation of society in Utah is about to be broken up, and the most serious consequences visited upon that people. As this difficulty grows out of a misunderstanding as to what constitutes marriage, I propose to first treat of that institution.

Marriage is said by some to be a natural contract, or a contract in the state of nature, by others a civil contract, and by others an ecclesiastical contract. For myself, I consider some of those characteristics unmeaning and as creating a distinction without a difference. Under all those expressions or characteristics it is but one and the same contract. The distinction between marriage as an institution

or relation, and the contract essential to entering into that institution or relation, is entirely lost sight of, as also the distinction between the contract of marriage and the celebration or solemnization of the contract. They take the power that simply regulates the contract and the relation for the contract itself. Hence, where it is regulated by the civil power, it is called a civil contract; by the ecclesiastical power, an ecclesiastical contract; and where neither of these exist, a contract under the law of nature.

Mr. Speaker, to suppose that marriage or the contract of marriage is the creature of either civil or ecclesiastical law, is to suppose that civil and ecclesiastical governments antedate marriage. The institution of marriage was ordained by God, and the contract to enter into that institution or relation arose necessarily in a state of nature, before civil or ecclesiastical law existed. No civil or ecclesiastical authority has the power to abolish marriage or the contract of marriage. To concede such power would but be to defeat the purposes of God in the creation of man. All either can do is to regulate them. Where civil law is in the ascendency, marriage and the contract of marriage are regulated by it; if the ecclesiastical, by it. If the civil power be supreme it may confer the right to regulate it upon the church, and *vice versa*.

Marriage being of divine origin, and the contract of marriage originating in a state of nature, we must go to the earliest and most ancient histories to learn what it is. Mr. Speaker, in a state of nature we find it monogamous and polygamous; under divine law we find it monogamous and polygamous. Upon almost every page of the old Bible we find polygamy written. Not only so, the Bible gives us marriage in a more detestable form by a hundred fold than in Utah. Utah has its polygamy; the Bible its polygamy and concubinage. By tradition, marriage in a state of nature has been polygamous, and continues so to this day; by the divine law we find it commencing with Lamech, thirty-eight hundred and seventy-five years before Christ; and conceding, for the sake of the argument, that it ceased in the days of the Apostles, it covered a space of thirty-nine hundred and twenty-five years, by the express approval of God.

Now, Mr. Speaker, I am prepared to submit a proposition to Christians and students of moral philosophy. "If it be true that moral principles never change, and that marriage is based on moral principles; and it be true that polygamous marriages existed for thirty-nine hundred and twenty-five years, or a less period, by the approval of God, is polygamy morally right or wrong?" But polygamy traces itself further down than that. While we have no express account of it in the New Testament, it is equally true that we have no express prohibition of it therein. In this opinion I am not only sustained by many divines, but by the author of the New American Encyclopedia. He says in volume thirteen, page 465, in speaking of polygamy, "There are no positive injunctions in the Bible against the practice."

Mr Speaker, between 1853 and 1855, only sixteen to nineteen years ago, a number of ministers of the Gospel sent as missionaries to India, and belonging to the Baptist, Congregational, Episcopal, Methodist and Presbyterian churches, assembled in Calcutta in convention, and declared that polygamous marriages were not contrary to divine law. (D. O. Allen on India, page 601.)

Now, then, in view of these facts, who can dogmatically affirm that polygamy is contrary to the law of God? And who, in view of these facts, can declare that marriage is the union of one man with only one woman in the holy estate of matrimony? I ignore from this discussion polygamy as it principally exists in Thibet.

Mr. Speaker, think not that my ramble through the Bible and sacred history is simply to show polygamy not contrary to the law of God, far from it. My object is to elucidate the subject of marriage, and to throw these facts before the minds of the members of this House, that they may see that our law writers have not defined marriage at all; in other words, that they have taken the "contract" of marriage for "marriage" itself, and have also confounded the power that

regulates the contract with the contract itself. Civil and ecclesiastical law regulates man, but does not create him. Civil and ecclesiastical law regulates marriage and marriage contract, but creates neither. Marriage and the contract of marriage exist independent of either.

Sir, our law writers upon marriage lay down the law to be that the *lex loci contractus*—the law of the place where the contract is made—must determine the legality of the marriage; and this rule applies as well to nations where marriage is controled by the ecclesiastical and civil law as the law of nature.

By this just and reasonable rule this whole question might be settled, but for the exceptions made by some with reference to polygamy. Wheaton, however, in his Law of Nations, page 181, in treating of this subject makes no exceptions. After stating the law to be that the *lex loci contractus* must govern, he says—

"Infinite confusion and mischief would ensue with respect to legitimacy, succession, and other personal and propriety rights, if the validity of the marriage contract was not determined by the law of the place where it was made."

That the exception does not obtain as to polygamy in the United States, see also 11 Alabama, 826; 5 Humph., (Tennessee,) 13; 10 Met., (Massachusetts,) 457; 23 Missouri, 561; 30 Missouri, 72. And, by note on page 183 of same author, it will be seen that Hon. Caleb Cushing, in giving his opinion as Attorney General of the United States, November 4, 1854, was not prepared to subscribe to the doctrine that polygamy is an exception to the general rule that the *lex loci contractus* must govern marriage. He says, "perhaps" it is.

It then clearly appearing, from sacred and divine history, that marriage is the union of one man with one or more women in the holy estate of matrimony, and taking the law to be as laid down by Wheaton and the Alabama, Tennessee, and Missouri cases cited, and that the *lex loci contractus* must govern, whether it be the law of nature, civil or ecclesiastical, we are bound to hold polygamous marriages among the Mormons at the date of our treaty with Mexico, and since, valid.

I now propose to notice the law of conquest, or acquisition, as governed by the law of nations. I lay down the law to be that when a whole nation is conquered, and its territory ceded to the conqueror, the laws of the conquered nation remain intact, as well as its whole machinery of government, until they are changed, modified or abolished by the conqueror; and where a part of its territory with the people thereon only are ceded, as in the case of Mexico to the United States, then that the laws and customs of the conquered government at the date of the treaty control the rights, privileges and immunities of the people, and their relations to each other, until the government of the conqueror interposes its laws. (Wheaton, Law of Nations, 54; 2 Merivale's English Reports, 156; 4 Modern English Reports, 222; 1 Jacob and Walker's English Reports, 27; and note "A."

Then, sir, whether the laws of Mexico expressly recognized polygamy, or whether they failed to prohibit it at the date of the treaty, is immaterial. In either case, the law of nations governing conquest or acquisition makes the polygamous marriages of the Mormons at the date of the treaty with the United States legal and valid. To say that had the Mexican laws expressly recognized polygamy at the date of the treaty we would have been bound, under the law of nations, to recognize the polygamous marriages of that people then existing, and then to say that we are not bound to recognize them because the laws of Mexico did not expressly recognise them, is, in view of the fact that their polygamous marriages were known almost over the world at the time, but denying justice upon the sheerest technicality, and of which any lawyer would be ashamed to avail himself in the courts of our country. Shall the legislative and judicial departments of our government do that which an honorable, high-minded practitioner at the bar would scorn to do.

England, in dealing with her conquered provinces in India and elsewhere, does not only sustain me in the general principle of the law of nations,

but as with reference to its special application to polygamy also. England at home is monogamous, while England abroad, as in India, is polygamous. Sir, conceding the law of nations to be as I have stated, then, outside of and uncontroled by treaty stipulations this government had the power and right one year after the date of the treaty with Mexico to have prohibited future polygamous marriages among the Mormons. It failed to do it, but acquiesced in them until July 1, 1862, (and no longer, as I will show,) and now is taking advantage of its own laches, of its own criminal neglect, to persecute or suffer that people to be persecuted and harassed.

Mr. Speaker, our neglect to prohibit polygamy among that people for thirteen years amounts to a confirmation of it under the law of nations. In the absence of civil law, the law of nature and ecclesiastical controls. Suppose that we were to cede that Territory to England, and the Mormons should remain on it, and we, having recognised polygamy for thirteen years, would not the law of nations compel England to recognize existing marriages as legal and valid? I assert most positively that it would, and have the example of England with her conquered and ceded provinces and the decisions of her courts already cited to sustain me. Shall England be more regardful of the obligations imposed upon her by the law of nations and public policy than the United States, or shall England be more generous and indulgent to her polygamous citizens in India than the United States to her polygamous citizens in Utah?

Sir, I shall now proceed to another point in the line of my argument. The treaty to which I have referred between the United States and Mexico, was signed at Guadalupe Hidalgo, February 2, 1848. By the provisions of that treaty the Mexicans upon the ceded territory had one year from its date to elect to continue citizens of Mexico; and in case of a failure to do so they then became citizens of the United States. As stated, the United States passed no law interfering with polygamy until July 1, 1862, and that was against bigamy simply, without defining it.

Now, then, I wish to call the attention of gentlemen upon this floor to two remarkable phenomena in the history and legal jurisprudence of our government.

Sir, what law controled marriages in Utah from the date of the treaty up to one year thereafter, the time when the people became citizens of the United States government? Was it the law of Mexico or the United States, or was it the law of nature or ecclesiastical?

From one year after the date of the treaty up to July 1, 1862, did the civil law of the United States, the ecclesiastical, or the law of nature control marriages in Utah?

When these questions are answered it seems to me that the minds of gentlemen will not be free from doubt as to the propriety of the present policy pursued towards the Mormons.

From the date of the treaty to the expiration of one year thereafter they must be regarded as in a transition state, and without civil law. From one year after the date of the treaty to July 1, 1862, they must be regarded as without any law upon the subject of marriage other than their own ecclesiastical law.

If the ecclesiastical law of the Mormons did not control marriages from the date of the treaty to the expiration of one year thereafter, then monogamous marriages during that period were invalid; as also from the expiration of the one year next after the treaty up to July 1, 1862, and in fact to the present day, for none but ecclesiastical marriages have been celebrated among the Mormons.

If we have to trace monogamous marriages during those periods to the ecclesiastical law for validity, why not polygamous? If the monogamous are not valid, then we should validate them, and if we validate them, why not, while we are at it, validate the polygamous?

But, Mr. Speaker, if gentlemen, to escape ecclesiastical marriages, prefer the law of nature, then I respectfully refer them to the decisions of the Supreme Courts of Alabama, Tennessee and Missouri, declaring marriages

among the Indians, under the law of nature, valid. (11 Alabama, 826; 5 Humph., (Tennessee) 13; 23 Missouri, 561; 30 Missouri, 72.)

That the marriages under the law of nature among the Indians and others have been and are polygamous there can be no question, and that the tribes to which the Indians belonged involved in the decisions of the Supreme Courts of Alabama, Tennessee and Missouri, allowed marriages, in their character polygamous, is sustained by history and the facts developed in those cases.

The savages are a law unto themselves. The Mormons, as to marriage, have been a law unto themselves. If the marriages under the law of nature among the savages are regarded as legal and valid by our courts, why not treat the marriages under the law of nature among the Mormons with like impartiality? Whether, then, regarded as marriages under the law of nature, or the ecclesiastical or law of conquest, or the *lex loci contractus*, they must be held to be legal and valid.

But, sir, there is another point in connection with this subject which I shall now notice, and which, aside from every other consideration, in my opinion settles this whole matter forever.

In section one, article nine, of our treaty with Mexico, we expressly stipulated that the people upon the ceded territory should be "protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction." (United States Statutes-at-Large, page 930.)

The treaty says that the Mormons shall be secure in the free exercise of "their religion." I emphasize the expression "their religion," and not only that, but that treaty says that they shall be protected in the free exercise thereof "without restriction."

The question for us to determine at this point is, "what was the religion of the Mormons at the date of the treaty?" As applicable to religious denominations, Webster defines religion to be "any system of faith and worship; as the religion of the Turks, of Hindoos, of Christians; true or false religion." The Mormon religion, at the time of the treaty, was simply their system of faith and worship. What was that system, and by whom shall it be proven? Is there any other way to prove it than by the system itself as published to the world, and by the statements and the declarations of its leading men?

Now, sir, let us take these, as is done with every other religious denomination, and what will be the result? Will it not as certainly lead to the establishment of polygamy as a part of the system of Mormon religion, as that the Christian system will lead to faith in Christ? Christians accept Christ as their Prophet; what he said is a part of their religion. Mormons accept Joseph Smith as their Prophet; what he said is a part of their religion. Does not the system of Mormon religion clearly show that polygamous marriages were revealed to Joseph Smith as their Prophet, and that as their Prophet he established it among them as a religious right? Were the whole Mormon brotherhood called to testify, they would with one accord proclaim polygamy a part of their religion. By whom else shall it be proven? Shall we take a Jew to prove the Christian religion, a Catholic to prove the Protestant religion, or *vice versa*; a Methodist to prove the Presbyterian, or a Presbyterian to prove the Baptist religion, or *vice versa?* Would the members of those churches like to have their religion proven by their adversaries? Would they submit to it? Who ever heard of such a thing? Adopting the universal rule of allowing the members of the church to prove its faith by its published writings and declarations of leading men, and polygamy is clearly established as a part of the Mormon religion. Mr. Speaker, do we not know as a matter of fact that the very reason why Mormonism has been so obnoxious to our people is because that they make polygamy a part of their religion? I repeat "their religion," and would call the attention of the members of this House to the difference between the "Mormon religion" and the "Christian religion," and between a "true" and "false" religion. I am not here to prove what the Christian religion is, nor am I here to

prove that the Mormon religion is the Christian religion, or that the Mormon religion is a true or false religion. My inquiry is, and all I am proposing to show is, that polygamy is a part of the Mormon system of religion.

Now then, sir, in connection with these remarks, I propose to read in full section one, article nine of the treaty between Mexico and the United States, (a part of which has already been noticed). I quote—

"SECTION 1. That Mexicans who fail to elect to continue citizens of the Mexican government shall be incorporated into the Union, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, without restriction." — [United States Statutes-at-Large, page 930.]

Mr. Speaker, is there a member of this House who is not in faith a Mormon, but will say at once that the Mormon religion is a false religion; that it is a delusion? Did not the men representing the United States and Mexico in signing that treaty believe the same thing; and did they not know when they signed it that all religious and non-religious people in the United States outside Mormondom had long previous thereto branded it as false? And yet, in the face of that fact, they bound this government by solemn treaty obligation to secure to that people the free exercise of their religion. Whether Jew, Christian, Mohammedan, Pagan, Turk, Hindoo or Swedenborgian, true or false, we are bound to protect them in the free exercise thereof.

The question now arises as to when that protection ceases. Sir, with the section which I have read before me I unhesitatingly affirm that we are bound by that treaty to protect them until they are received into this Union as a State. What means this language in that section—

"Shall be incorporated into the Union and be admitted at the proper time (to be judged of by Congress) to the enjoyment of all rights," &c.

1. I hold "shall be incorporated into the Union" must be held to mean that at the end of the year from the date of the treaty they were to become citizens of the Union or United States.

2. That the language "and be admitted at the proper time (to be judged of by Congress) to the enjoyment of all rights," &c., must be held to mean admission into the Union as a State.

Now, sir, permit me to again call the attention of the House to the latter part of that section and immediately following the portion already recited. It reads—

"And in the mean time shall be maintained and protected in the free enjoyment of their liberty and property and secured in the free exercise of their religion," &c.

"And in the meantime." What time is meant? Is it not the time intervening between the time they should become citizens of the United States and the time when they should be admitted as a State into the Union? There can be no other rational or intelligent interpretation of that section.

Now, then, Mr. Speaker, permit me to read a portion of article six of the Constitution of the United States. I quote—

"This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land."

If treaty obligations, constitutional provisions, and justice prevail, we can not, we dare not, lay a heavy hand upon polygamy until that people are admitted into this Union as a State, and when admitted, we are bound by the law of nations to hold it valid as to the past. The only escape from this is for the enemies of polygamy to maintain that polygamy is not part of the Mormon religion.

But with all my prejudice against the obnoxious system, and while I would strike it down at one blow, I must say that in my opinion we can as truthfully assert that the revelation to Noah about the flood, to Abraham and Sarah that unto them a child should be born which should be heir of a world, to Zacharias that Elizabeth should bear a son to be called John, to Mary that she should bear a son to be called Jesus, and the book of the New Testament, called Revelations, are no part of the Christian religion.

as to assert that the pretended revelations to Joseph Smith, the recognized Prophet of that people, and the founder of their religion concerning polygamous marriages as contained in the Book of Covenants, which I hold in my hand, is no part of the system of the Mormon religion; as well contend that the Book of Mormon is no part of their religion, as to assert that polygamy is no part thereof.

Faith in Joseph Smith as a Prophet of God is the rock upon which Mormonism stands. Accepting him by faith as a Prophet, how can they do otherwise than accept the revelations of polygamy to him? If they accept them, do not they at once become a part of their religion? Sir, polygamy must then from the very nature of their system be held to be a part of the Mormon religion. But why argue the question further? Have we not for near thirty years been persecuting them because they do make it a part of their religion? By our own act, then, we are estopped from saying it is not a part of their religion.

Sir, if my position be correct, then it follows that the law against bigamy in the Territories, passed by Congress July 1, 1862, is inoperative as to polygamy among the Mormons; nor can the Territorial Legislature abolish it, no more than Congress, against the will of that people. By the treaty and the Constitution it stands above all law until Utah is admitted as a State.

One other point upon the treaty: I contend that, regardless of the laws of Mexico in regard to polygamy, the treaty binds us to recognize it as existing at the date thereof. Both governments, knowing at the time that polygamy existed among the Mormons, and not providing against it by treaty stipulations, must be presumed to acquiesce therein; and we are forever estopped from interfering with it until the time specified in the treaty. But I may be asked, "why pass your bill if it be already legal? I answer, "to put the question beyond dispute," and to stop United States officers and judges who, alike ignoring plain treaty stipulations, and disregarding the great key of legal interpretation, are guilty of proceedings in Utah unparalleled in the history of criminal jurisprudence in prosecuting Mormons for polygamy, &c., under laws passed by themselves, and which to them are harmless, and with their view of polygamy, inapplicable to them.

Mr. Speaker, England, as remarked, at home is monogamous, while in India she is polygamous. Were she to attempt so unreasonable, unnatural, unjust and cruel an act, so gross an outrage upon criminal jurisprudence and the long-established rule of legal interpretation, as to enforce her law of bigamy, adultery, and lewd and lascivious conduct as applicable to a single marriage in England, against polygamous marriages in India, she would bring down upon her head the condemnation of a civilized and Christian world. That which monarchial England would scorn to do is now being done and sought to be done in republican America, in Utah, by United States officers and judges.

Bigamy to a government tolerating monogamous marriages only, is not bigamy to a government allowing polygamous; and I have been startled to hear eminent lawyers and jurists assert that bigamy and polygamy are synonymous. An expression so characteristic of carelessness of thought and mature reflection upon so important a subject, is inexcusable and unpardonable. Bigamy is simply a marriage by one already married in excess of what the law permits.

The bigamy of England is not the bigamy of India; the bigamy of our State and United States governments is not the bigamy of the Mormons. Nor is the bigamy of one polygamous government necessarily the bigamy of another polygamous government. For instance, the Mormons recognize polygamous marriage as a religious rite, which must be celebrated according to the rules of their Church. A plurality of marriages in Utah under civil law would be bigamy to the Mormons, while in another polygamous government, allowing polygamous marriages by the civil law only, a plurality of marriages by the church or ecclesiastical law would be bigamous. Sir, if gentlemen would lay aside prejudice

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THE LATTER-DAY SAINTS' MILLENNIAL STAR.

TUESDAY, APRIL 23, 1872.

AN APRIL FOOL.—In the House of Representatives, Washington, on the 1st inst., Representative Voorhees, of Indiana, introduced into the House, and had referred to the Judiciary Committee, of which he is a member, a bill to aid the enforcement of the laws in the Territory of Utah. It provides that the United States Attorney shall prosecute all criminal cases in the District Courts, whether arising under the laws of Congress or of the Territory; that United States Marshals shall serve all processes; that their fees shall be paid by the Territory, and if the Legislature fails to provide therefor, then such fees shall be paid out of the funds appropriated by Congress to pay the Legislature; that fines imposed shall be applied to pay the expenses of enforcing the laws; that jurors shall be drawn from a list prepared by the Judge, the United States Attorney and the Marshal; that proof of cohabitation, or acknowledgment, shall be sufficient to sustain prosecutions for bigamy; that each District Judge may fix the times and places for holding his courts for Territorial cases, and that in civil cases the winning may recover all taxable costs of the losing party. It is understood that Mr. Voorhees will make a speech on this bill.

To use a Lancashire expression, we sincerely hope that the honorable gentleman has not "given over short."

CONGRESS AND DESERET.—On Tuesday, April 2nd, Senator Nye in the Senate, and Hon. W. H. Hooper in the House of Representatives, presented the memorial of the Constitutional Convention of Utah for the admission of that State into the Union, under the name of "Deseret," which was in both Houses referred to the Committee on Territories.

CONFERENCE.—The annual Conference meeting of the Durham and Newcastle Conference of the Church of Jesus Christ of Latter-day Saints will be held in the Central Hall, Chapter Row, South Shields, on Sunday May 12. Services at 10.30 a.m. and 2.30 and 6 p.m. The Elders from Utah, who can make it reasonably convenient, are invited to attend.

A NEW EDITION.—We have just issued a revised edition of the "Only Way to be Saved," which we offer to those of our brethren and sisters who desire to spread the printed word at three shillings the hundred, or twenty-five shillings the thousand.

ABSTRACT OF CORRESPONDENCE.

NEW ZEALAND.—By letter from Elder Henry Allington, President of the New Zealand Conference, dated Karori, Feb. 16, we learn that the majority

of the Saints on those far-off islands "delight in the work in which they are engaged, and several are making an effort to gather out this autumn." Brother Allington having disposed of "the principle part of his little all," hopes to be among the number. He continues—"The work is, as it were, at a stand still in this place at the present time, the people are not very anxious about the truth of the Gospel; £ s. d., and the practical method of obtaining the same, engages their every attention. That which is beyond the present life is to them an enigma, and they 'give it up' without a consideration. 'The fact is,' said one in this place, who by the way is opposed to the Gospel, 'I am not much up in theology; we pay our clergy to study that, and as we receive it fresh from their lips, we give ourselves no concern about the future.' Just so, and this is the case with many others besides him. Elder Beauchamp has returned to Australia; he met with much abuse from the public journals during his stay here. The prejudice was so great he was unable to accomplish a great work in this land. The Saints in Kaiapoi were, when I last heard from them, quite well."

MANCHESTER CONFERENCE.—Elder Geo. P. Ward writing on the 16th inst. says—"I have had good times since I saw you at Sheffield. Last week we baptized six into the Pendlebury Branch, and I had one of the best days on Sunday last amongst the Pendlebury and Halshawmoor Saints that I think I have spent in the country. The Saints remember the last district meeting in Bolton with much satisfaction."

CORRESPONDENCE.

AMERICA.

Salt Lake City, March 22, 1872.

Elder Geo. Reynolds.

Dear Brother—I often, "in my mind's eye," take a survey of the old Office and its surroundings, which, according to your letter, have undergone a slight change. You will find, when you return, such a change in this city as will astonish you. Buildings of every description, handsome and ludicrous, are shooting up from the earth like mushrooms. All sorts of people are coming here on all sorts of business. We shall soon rival any other city on the "habitable globe," proportionate with its population and dimensions, for "civilization." Latter-day Saints have more need than ever to be watchful and prayerful. Every species of modern improvement(?) that can be introduced into our midst is making its appearance, and if these emissaries of the devil, that at present infest our once peaceful seclusion, can accomplish their desires, we shall have a glorious jubilee of sin rampant under our very eyes. Efforts are continually being made to produce a state of society here equally as corrupt and damning as that which rules other outside circles, religious, social and political. And this condition of things, these invaders of peace and moral happiness maintain, will be the solution of "the problem!" In this, as in every other effort they have made, we *rather* think they will be misled. The kingdom is established, "never more to be thrown down."

As you are doubtless aware, there is no small amount of excitement throughout the entire country over the "Mormon matter." The President is still in the custody of the U.S. Marshal in his own house. The other evening a few personal friends of brothers Stout, Kimball, Hampton and others, who were held prisoners at the City Hall by the U.S. judicial humbugs, went into their jail and surprised them with "music and the dance." The result

of this has been that the Deputy Marshals who were so imprudent as to join in the "good time" were dismissed and the prisoners sent to Camp Douglas, where their solitude will not be so lightly broken in upon.

The State movement is the great topic of conversation at present. Messrs. Cannon, Fitch and Fuller are bent on accomplishing the object of their mission to Washington, and if it does not realize anything else, the public mind in the East, and especially at Washington, will be fed with good palatable information in regard to Utah and its would-be destroyers.

The *Footlights* continues to prosper. It has become quite a necessary matter among business men, and, as an advertizer, is greatly relied upon.

Give my love to brothers Gibbs, Thatcher, and all my acquaintances, and accept the same yourself, from your old friend and brother,

JOHN C. GRAHAM.

MINUTES OF A CONFERENCE

HELD IN THE LATTER-DAY SAINTS' CHAPEL, SHAKESPEARE STREET, NOTTINGHAM, APRIL 7, 1872.

Present on the Stand—Elders from Utah, George Reynolds and George F. Gibbs, of the Liverpool Office, John B. Fairbanks, Pres. of the Nottingham, Thomas Dobson, Pres. of the Liverpool, David John, Pres of the Glamorgan, B. W. Driggs, Pres. of the Birmingham, Ralph Harrison, Pres. of the Sheffield, Geo. W. Wilkins, Pres. of the Bedford, and James A. Leishman, Pres. of the Durham and Newcastle Conferences, and George W. Thatcher, Traveling Elder in the Birmingham Conference; also Thomas Morley, Traveling Elder in the Nottingham Conference.

10.30 a.m.

Elder Thomas Dobson made a few remarks, showing the importance of the Saints living up to the laws of the Gospel, and of obeying the teachings and instructions of the servants of God. He urged them to be economical with their means, and exert themselves to the utmost of their ability to gather to Zion.

Elder Geo. W. Wilkins spoke upon the various duties of the Saints, exhorting them to be alive to their callings and to sustain and uphold the servants of God who are sent to labor amongst them. He also exhorted the Saints to keep the Word of Wisdom, as a divine revelation from the Almighty which would be productive of much good to all those who would live up to it.

Elder Ralph Harrison rejoiced in being permitted to bear testimony to the divinity of the Gospel, and encouraged the Saints to live the religion of Jesus Christ for themselves, and not to take license from the acts of their neighbors to do wrong, but be determined to keep the commandments of God, and set an example before the world that would be worthy of its imitation.

2.30 p.m.

Elder J. B. Fairbanks reported the Conference in a prosperous condition, temporally and spiritually. From the statistical report it appeared that the Conference consists of 20 Branches, with a total of 751 members, including officers.

The general authorities of the Church in Zion, of the European Mission, and of the Nottingham Conference, were presented and unanimously sustained.

Elder George F. Gibbs spoke on the necessity of the Saints properly educating their children, and teaching them the principles of the Gospel, that they might grow up intelligent, and become honorable men and women in the kingdom of God. He also spoke upon the principle of gathering, and encouraged the Saints to do their best towards emigrating themselves, and the Lord would then open up the way for their deliverance.

Elder David John said he was pleased to again have the privilege of meeting

with the Saints in Nottingham after an absence of eleven years. He still felt to rejoice in the Gospel of Jesus Christ, and was proud to bear his testimony to its truths. He said the God whom the Saints worship in these days is a tangible being, a kind parent, and one who is ever on hand to bless and prosper his children according to their faithfulness in keeping his commandments. He earnestly exhorted the Saints to be humble and prayerful, and contend unceasingly for the Spirit of God.

Elder B. W. Driggs, after giving expression to his feelings of happiness at meeting with the Saints, delivered a short address on the necessity of the gathering, and on the labors incumbent upon the Saints incidental to the building up of the waste places of Zion.

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5.30 p.m.

Elder James A. Leishman enumerated many of the prophecies of the ancient Prophets, and compared the Gospel taught by the Saints in this day with that taught by the Savior, showing how the Christian world had wandered from the path laid out for them by the Savior and his apostles. He bore testimony to the truth of the Gospel, and the divinity of the missions of Joseph Smith and Brigham Young. He spoke of the present crusade of the United States against the Saints in Utah, showing that it had been and would continue to be productive of much good to the kingdom of God.

Elder George Reynolds spoke of the restoration of the Gospel to the earth, and the progress of the Church from that time to the present day. He urged the Saints to gather to that land where they could be taught and instructed more perfectly in the ways of the Lord. In referring to the present action of the American government against the people of Utah he said, "The Saints are led by men inspired of God, consequently they have no need to fear the puny efforts of man to overthrow the people of God. The more the world rages against and opposes them, the more they will prosper, for the arm of the Almighty is powerful and is outstretched to protect his Saints, who will eventually triumph over all their foes."

Elder J. B. Fairbanks made a few concluding remarks, confirming the testimonies and teachings advanced by the brethren during the day.

The meetings were opened and closed with singing and prayer. The Hall was crowded, and an excellent spirit prevailed. All present appeared highly satisfied with the proceedings of the Conference.

On the following (Monday) evening a concert was held in the chapel, which was attended by many of the Elders, together with a numerous assembly of both Saints and strangers, who appeared greatly pleased with the entertainments of the occasion.

JOHN H. BURROWS,
Clerk of Conference.

"BRIGHAM HIMSELF."

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A correspondent of the *Cincinnati Commercial* writing from Salt Lake City, March 18, amongst other things gives the following account of his visit to President Brigham Young—

We waited over an hour for "the president," as he is called, but as there was plenty to see and plenty of people to talk to, the hour passed pleasantly. A door leading to his inner sanctum opened, and the king of the Mormons, the ruler of Utah, the venerable Brigham Young, stood before us.

He is a stout-looking old man of 71 years, his body showing large bones, and slightly bent with the weight of time, his face smooth down to chin whiskers, his hair frosted by many winters, his forehead broad and high, his lips firm, his eye bright, his face kind, and his voice low and gentle. Such is Brigham Young. His troubles of the last year are telling fearfully upon him, and unless his enemies relent and give him and his church some peace, it is evident that

he will be moved hence ere long.

Being a prisoner, and these being critical times, he is very cautious what he says, even to his trusted friends.

He spoke in deep feeling of unjust prejudices which were harbored against his church, accusing the Methodists of being particularly vindictive. He affirmed that the Mormon was a liberal church, interfering with no one, and only asking to be let alone and worship God in their own way. He said that Methodists, Episcopalians, Catholics, and all denominations were allowed to preach in the Tabernacle, and gave numerous instances where the privileges had been granted to eastern ministers, who repaid the kindness by pitching into the Mormon religion.

In appearances and address he impresses me as a kind-hearted old man, and as for the stories about his instigating murder and robbery, I simply don't believe them. No man can be a fiend without his face showing it, and I defy any man to see wickedness in a lineament of Brigham Young's face.

After a half hour's conversation upon the subject of churches in general, a number of prominent Mormons coming in to hold "a conversation," we withdrew.

POLYGAMOUS MARRIAGES IN UTAH.

[CONCLUDED FROM PAGE 263.]

and be governed by principle they could not fall into such an error. My argument upon this point is equally applicable to adultery and what is termed "lewdly and lasciviciously associating and cohabiting together" under the territorial law of Utah. In England, a man marrying a second wife, the first living, and undivorced, would be guilty of bigamy; in India he would not be. And so in regard to adultery and lewd and lascivious conduct. In England, a man living with two women at the same time would be guilty of lewd and lascivious conduct; while in India he would not be, unless it were with others than his polygamous wives.

Mr. Speaker, the courts and officers of the United States in that Territory not only refuse to see and recognize this plain and glaring distinction, but in their eagerness to "hunt down heresy" and willingness to cater to a morbid Gentile anti-Mormon feeling, have ignored and trampled under foot one of the plainest and most prominent elementary principles of legal interpretation.

Blackstone says:

"The fairest and most rational method to interpret the will of the legislator is by exploring his intentions at the time; 'I repeat at the time' when the law was made."

Adopting this rule; can any one fail to see the interpretation which our courts must give to the laws of that Territory, passed by that polygamous people, and which, by an unnatural and unwarranted interpretation, are now being enforced against the Mormon people? Blackstone illustrates the principle on this wise. He says:

"Thus the law of 1 Edward III forbids ecclesiastical persons to purchase provisions at Rome. It might seem to prohibit the buying of grain and other victuals; but when we consider that the statute was made to repress the usurpations of the papal see, and that the nominations to benefices by the Pope were called 'provisions,' we shall see that the restraint is intended to be laid on such provisions only."

Now, sir, applying this most reasonable, natural, and just rule of interpretation to the territorial laws of Utah, and who cannot see that the adultery, lewd and lascivious conduct of our people and our laws is not the adultery, lewd and lascivious conduct of the Mormons or Mormon laws? That it is the correct rule of interpretation and applicable to the Mormon people, see 2 Merivale, English Reports, 156. And yet a law passed by the Mormons themselves against what they consider adultery, and not what we consider adultery, and against what they consider lewd and lascivious conduct, and not what we consider lewd and lascivious conduct, is to be perverted,

twisted and tortured into an engine of persecution and oppression against themselves.

Sir, it is to stop such flagrant and palpable injustice, and so unparalleled an outrage, that my bill was introduced. Let it be enforced against the Gentiles if they will, but against the Mormon people never, as long as that treaty is the supreme law of the land, or the rule of legal interpretation is adhered to.

But suppose that I am in error in regard to facts and the law as well as in my arguments and my conclusions, and conceding that the Mormons are not protected by treaty, the law of Congress, of nations, or conquest, or of marriage, and then, sir, upon the ground of "public policy" do I appeal to members of this House to pass the bill.

If the greater good will result from its passage, and the greater evil from its non-passage, then sir, public policy, as well as the best interests of society, demands its passage, and it would be worse than criminal to refuse it.

Mr. Speaker, do we refuse this, then prosecution against that people will be urged with all the bitterness of Gentile hatred? Men and women heretofore regarded as honorable, chaste and virtuous, will be changed into felons and criminals. Men and women heretofore regarded as respectable will be treated with scorn and contempt. Young ladies and young gentlemen heretofore regarded as examplars and ornaments in society and Church are to be dishonored, degraded, branded as bastards, and turned loose upon society as monuments of the prejudice and folly of American statesmanship. A land now blessed with peace, prosperity and happiness is to be filled with lamentations and mournings, and not less than twenty-five thousand men and women sent to the penitentiary for living in a state of marriage which their Church and system of religion has recognized as right in the sight of God for nearly thirty years. A hundred thousand men and women, husbands and wives, parents and children, to be dishonored and disgraced forever, and Utah turned into an American Botany Bay.

Where is there a man whose heart responds to the cries of suffering humanity that would not revolt at even the contemplation of such a scene, much less its sad reality? Philanthropists, remember that that people are bone of your bone and flesh of your flesh. A common humanity forbids us bringing upon that people such a sad calamity.

Christians, here is a work for you; save that people from so much distress. Are you told that they are adulterers and adulteresses? Remember that your Lord and Master once said to such a character, who was about to be stoned to death, "Go; and sin no more."

If he could show one such lenity who was wilfully guilty, what may you and I and others say to those who are innocently guilty, if guilty at all? Mr. Speaker, it is useless to portray the good to flow from the passage of the bill, or the evils resulting from its non-passage. They are apparent to all. The evils consequent upon its passage are not a tithe in comparison to the good that will result therefrom. That people, knowing the prejudices of our people against polygamy, passed a bill through their territorial Legislature a few weeks ago calling a convention to adopt a constitution in harmony with our views of marriage, that they may apply for admission into the Union as a State, and thus forever settle this vexed question; but here again they are met by the veto of an overscrupulous Governor, upon the ground that Congress has not passed a law authorizing it. Ignorant of the fact that the power that can authorize in advance can ratify after the act has been performed; and ignorant of the fact that eight States, to wit, Vermont, Tennesse, Maine, Arkansas, Michigan, Florida, Texas and Iowa, were admitted into the Union without enabling acts previously passed, he casts another obstacle in the way of settling the troubles of Utah.

Sir, shall that people continue to be thus persecuted, or will this Congress pass this act and give them immediate relief? No member upon this floor has a constituency more strongly prejudiced against that people and polygamy than my own; yet before I will suffer one hundred thousand men, wo-

men and children to be turned into adulterers, adulteresses and bastards, I will take the responsibility to vote for the passage of the bill, and appeal to the magnanimity, generosity and exalted sense of justice of my constituents for a vindication of my act.

I believe that could the people of the United States but be brought to see the subject in its true light, not a day would pass but their prayers, through petitions, would be heard in this Hall for the passage of this or a similar measure of validation and oblivion.

Mr. Speaker, marriage being regulated by civil as well as ecclesiastical and natural law, there can be no impropriety in asking Congress to pass this bill, as it has unquestioned power to legislate over the Territories. That Congress may validate illegal and void marriages, I refer to the British Parliament. The most notable cases of which were legalizing the marriages celebrated before justices of the peace in England during the commonwealth; also in India, Lower Canada and Nova Scotia, (Shelford on marriage, 45, 55, 61, 62;) also by the Legislature of Prince Edward Island, (Ibid 64;) also by Maine, 2 Maine, 28; also by Connecticut, 4 Connecticut, 209. That the power is generally conceded (1 K., 10 Ed., 512.) That such acts are not retrospective or unconstitutional, (see 2 Peter, 380; 8 Peter, 88; 10 Peter, 294; 11 Peter, 420; 10 Howard, 395; 17 Howard, 456; 4 Wall, 172.)

In conclusion, Mr. Speaker, permit me to read what David O. Allan, the celebrated Christian missionary of twenty-five years in India, has to say upon the subject of polygamous marriages in his book published as late as 1856. The devoted man of God says:

Supposing now that any Hindoo, or Mohammedan, or Jew who has several wives to whom he has been legally married, should give evidence of piety and wish to make a public profession of Christianity, what shall be done in respect to his polygamy? In contracting these marriages he violates no laws of his country and no laws of God, as he understood them, any more than Jacob or Elkanah did in marrying two wives, or that David did in marrying a yet larger number.

"This man cannot divorce any of his wives, if he would; and it would be great injustice and cruelty to them and to their children if he should. He cannot annul his legal obligations to provide for them. He is bound, morally and legally, to support them and to protect them, while professing Hindoo, Mohammedan or Jewish religion; and his having become a Christian, and embraced a purer faith, will not release him from these obligations, in view of the English Government and courts, or of the native population. Should he put them away, or all but one, they will still be legally his wives, and cannot be married to any other man. And further, they have done nothing to deserve such unkindness, cruelty and disgrace at his hands."—Page 521.

Mr. Speaker, if polygamy is contrary to the Christian religion, and it be the only true religion, as we understand it, then polygamous peoples must be deprived of Gospel grace, or subjected to the results so graphically pictured by Mr. Allan. I have done. —*Congressional Globe*, Feb. 18.

In a large and highly intelligent assembly of ladies convened in the 14th ward assembly rooms, Salt Lake City, March 2, 1872, the following resolutions were passed:

Resolved—That we, ladies of Salt Lake City, for ourselves and in behalf of the ladies of Utah generally, unitedly express our appreciation of the bill presented and read in the house of representatives in Washington, D. C., on the 17th of February, 1872, by Hon. James G. Blair, of Missouri, entitled "A bill to legalize polygamous marriages in the Territory of Utah, and to dismiss prosecutions in said Territory on account of such marriages."

Resolved—That we consider the bill a truthful and able instrument, and the speech in support of it a most noble effort in behalf of the rights of conscience and religious liberty, involving the peace, purity and happiness of domestic life—a conclusive argument in support of the sacred constitution of our country, and a living honor to the name of its author.

Resolved—That, while we admire the bold and manly position which Mr. Blair bravely assumed and fearlessly maintained, we respectfully say, may his magnanimous example be followed by every loyal and true hearted statesman, and may he, and all others in Congress who nobly advocate the principles of fairness and justice, long live to honor the sentiments which he has expressed, and realize the reward of their labors by witnessing the defeat of

bigotry and proscriptive intolerance, in the re-establishment of our liberal and protective national policy and administration, and the triumph of liberty and equal rights.

Resolved—That a copy of these resolutions be forwarded to the Hon. James G. Blair, in Washington, D. C., and also copies to the *Salt Lake Daily Herald* and *Deseret Evening News*.

WASHINGTON, March 15, 1872.

Hon. Wm. H. Hooper, Delegate Utah.

DEAR SIR:—Please permit me to return my sincere thanks and grateful acknowledgment to the ladies of Utah for the compliments tendered me by them, through you, in their resolutions passed March 2, A. D. 1872, for the bold and independent stand which I have taken in Congress upon the side of truth and justice, to preserve them and other citizens of Utah from disgrace, to restore peace in and to drive tyranny and opposition from their "Mountain Home."

Respectfully,

J. G. BLAIR.

UTAH NEWS.

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The following are from telegrams to the New York papers—

The republican convention which met in Salt Lake City on the evening of April 5, elected Hons. Frank Fuller and Thomas Fitch delegates to the Philadelphia convention.

Extraordinary efforts were being made to push forward the work on the Utah Southern Railroad. It was expected that it would be finished as far as the southern end of Utah Lake during the coming summer.

Conference convened at Salt Lake City on Saturday, April 6. There was a very large attendance. The Elders spoke of the continued progress of the Church, which could not be retarded by the combined efforts of all earthly powers.

The Legislature of the State of Deseret was formally organized on April 4. There was a full attendance of the members. Hon. Erastus Snow was elected President of the Senate, and Hon. F. D. Richards Speaker of the House. On the 6th Hons. W. H. Hooper and Thomas Fitch were elected United States Senators for the new State. Col. Akers had resigned his seat in the lower house.

The following are from the *Deseret News* to March 29—

Work on the Utah southern railroad was to be resumed at once.

The peach trees were in bloom at St George early in March.

A slight shock of earthquake was felt in Salt Lake City, about 1 a.m. on March 27.

The total vote cast in ratification of the State Consitution was 25,324 against it 368.

The snow in the mining camps of the Little Cottonwood district was about fourteen feet deep on the level, and many houses were still buried.

On 1st of January 1872, there were 364 miles of railroad in Utah, being more than in either of the States of Delaware, Arkansas, Rhode Island or Oregon.

The census returns for the Millard County show the number of males over 21 years to be 568, females over 21 years 549; males under 21 years 906, females under 21 years 836. Total 2850.

At West Weber most of the fall grain had been badly winter killed, the frost cracking the land and heaving out the grain. No grasshoppers' eggs had been found there and the prospect for good crops never was better.